

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

IN RE: '318 PATENT INFRINGEMENT)
LITIGATION)

Civil Action No. 05-356-KAJ
(consolidated)

STIPULATION NOT TO CONTEST INFRINGEMENT

IT IS HEREBY STIPULATED, CONSENTED, AND AGREED TO by and between the parties hereto as follows:

(1) Plaintiffs Janssen Pharmaceutica N.V., Janssen, L.P., and Synaptech, Inc. (collectively, "Plaintiffs") and Defendants Alphapharm Pty Ltd. ("Alphapharm"), Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc. (collectively, "Barr"), Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd. (collectively, "Dr. Reddy's"), Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc. (collectively, "Mylan"), Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc. (collectively, "Par"), Purepac Pharmaceutical Co. and Alpharma, Inc. (collectively, "Purepac"), and Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd. (collectively, "Teva") (collectively, the "Defendants") are parties to this consolidated patent infringement case involving Plaintiffs' U.S. Patent No. 4,663,318 ("the '318 patent").

(2) Defendants stipulate that the commercial use or sale of the drug products described in abbreviated new drug applications No. 77-585 (Purepac), No. 77-587 (Teva), No. 77-590 (Mylan), No. 77-593 (Dr. Reddy's), No. 77-603 (Alphapharm), No. 77-604 (Par), and No. 77-605 (Barr) infringes claims 1 and 4 of the '318 patent, if valid and enforceable, under 35 U.S.C. § 271(b). Defendants' stipulation to infringement is not intended to limit or otherwise affect each Defendant's ability to defend against Plaintiffs'

infringement claims on any other ground, including, but not limited to, asserting defenses of invalidity and/or unenforceability of claims 1 and 4 of the '318 patent.

(3) Plaintiffs will not seek discovery from Defendants relating solely to the issue of infringement of the '318 patent. Defendants will not use the existence of this Stipulation as a basis for objecting to discovery on any issue in this case (including willfulness), except infringement.

(4) Plaintiffs will not assert that the commercial manufacture, use, sale, offer for sale, or importation of the drug products presently set forth and described in abbreviated new drug applications No. 77-585 (Purepac), No. 77-587 (Teva), No. 77-590 (Mylan), No. 77-593 (Dr. Reddy's), No. 77-603 (Alphapharm), No. 77-604 (Par), and No. 77-605 (Barr) infringes any claim of the '318 patent other than claims 1 and 4.

(5) Plaintiffs and Defendants reserve all rights to appeal any decision of this Court with respect to the issues of validity and/or enforceability of claims 1 and 4 of the '318 patent, and the entry of any such judgment as it pertains to validity and/or enforceability of these claims.

<p>December 2, 2005</p>	<p>Janssen Pharmaceutica N.V., Janssen, L.P. and Synaptech, Inc.</p> <p>By: <u>/s/ Steven J. Balick</u> Steven J. Balick (#2114) John G. Day (#2403) ASHBY & GEDDES 222 Delaware Ave., 17th Fl. P.O. Box 1150 Wilmington, DE 19899 Telephone: (302) 654-1888</p> <p><i>Attorneys for Plaintiffs Janssen Pharmaceutica N.V., Janssen, L.P. and Synaptech, Inc.</i></p>
<p>December 2, 2005</p>	<p>Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc.</p> <p>By: <u>/s/ Mary B. Matterer</u> Mary B. Matterer (#2696) MORRIS JAMES HITCHENS & WILLIAMS LLP 222 Delaware Ave., 10th Floor P.O. Box 2306 Wilmington, DE 19899-2306 Telephone: (302) 888-6800</p> <p><i>Attorneys for Defendants Mylan Pharmaceuticals Inc. and Mylan Laboratories Inc.</i></p>

<p>December 2, 2005</p>	<p>Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.</p> <p>By: <u>/s/ Karen E. Keller</u> Josy W. Ingersoll (#1088) John W. Shaw (#3362) Karen E. Keller (#4462) YOUNG CONAWAY STARGATT & TAYLOR LLP The Brandywine Building 1000 West St., 17th Floor P.O. Box 391 Wilmington, DE 19899-0391 Telephone: (302) 571-6600</p> <p><i>Attorneys for Defendants Teva Pharmaceuticals USA, Inc. and Teva Pharmaceutical Industries Ltd.</i></p>
<p>December 2, 2005</p>	<p>Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc.</p> <p>By: <u>/s/ Philip A. Rovner</u> Philip A. Rovner (#3215) POTTER ANDERSON & CORROON LLP 1313 N. Market Street, Hercules Plaza, 6th Floor P.O. Box 951 Wilmington, DE 19899-0951 Telephone: (302) 984-6000</p> <p><i>Attorneys for Defendants Par Pharmaceutical, Inc. and Par Pharmaceutical Companies, Inc.</i></p>

December 2, 2005	<p>Purepac Pharmaceutical Co. and Alharma, Inc.</p> <p>By: <u>/s/ Richard D. Kirk</u> Richard D. Kirk (#922) Thomas H. Kovach (#3964) THE BAYARD FIRM 222 Delaware Ave., Suite 900 P.O. Box 25130 Wilmington, DE 19899 Telephone: (302) 655-5000</p> <p><i>Attorneys for Defendants Purepac Pharmaceutical Co. and Alharma, Inc.</i></p>
December 2, 2005	<p>Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd.</p> <p>By: <u>/s/ David E. Moore</u> Richard L. Horwitz (#2246) David E. Moore (#3983) POTTER ANDERSON & CORROON LLP Hercules Plaza P.O. Box 951 Wilmington, DE 19899 Telephone: (302) 984-6027</p> <p><i>Attorneys for Defendants Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd.</i></p>
December 2, 2005	<p>Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc.</p> <p>By: <u>/s/ Brian E. Farnan</u> John C. Phillips, Jr. (#110) Brian E. Farnan (#4089) PHILLIPS, GOLDMAN & SPENCE, P.A. 1200 N. Broom St. Wilmington, DE 19806 Telephone: (302) 655-4200</p> <p><i>Attorneys for Defendants Barr Laboratories, Inc. and Barr Pharmaceuticals, Inc.</i></p>

December 2, 2005	<p>Alphapharm Pty Ltd.</p> <p>By: <u>/s/ Anne Shea Gaza</u> Frederick L. Cottrell, III (#2555) Anne Shea Gaza (#4093) RICHARDS, LAYTON & FINGER, P.A. One Rodney Square P.O. Box 551 Wilmington, DE 19801 Telephone: (302) 651-7509</p> <p><i>Attorneys for Defendant Alphapharm Pty Ltd.</i></p>
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